

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

LEROY TITUS ELLIOTT,

Plaintiff,

v.

DUKE UNIVERSITY PRESS,

Defendant.

Case No: 1:24 cv 00214

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Duke University Press (“Duke”), hereby removes this action from the General Court of Justice, Superior Court Division, Orange County, State of North Carolina to the United States District Court for the Middle District of North Carolina. The grounds for removal are as follows:

PROCEEDINGS IN STATE COURT AND TIMELINESS OF REMOVAL

1. Plaintiff Leroy Titus Elliott (“Elliott”) filed a civil action in the General Court of Justice, Superior Court Division, Orange County, State of North Carolina entitled Leroy Titus Elliott v. Duke University Press, on February 8, 2024, that was assigned Case No. 24CVS000197 (“State Lawsuit”).

2. On February 12, 2024, Elliott served Duke with the summons and Complaint in the State Lawsuit.

3. Copies of all process, pleadings, and orders served upon Duke in the State Lawsuit are attached hereto as Exhibit 1.

4. This Notice of Removal is timely filed because it is filed within thirty days of service of the initial pleading setting forth the claim for relief upon which the state court action is based. See 28 U.S.C. § 1446(b)(1).

JURISDICTION

5. This matter is a civil action over which this District Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1367(a) and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(c) in that it is a civil action arising under the laws of the United States.

6. Elliott brings claims against Duke under the Americans with Disabilities Act of 1990 (“ADA”) and the North Carolina Persons with Disabilities Protection Act (“NDCDPA”) for failure to accommodate his disability and disability discrimination. (See Compl. § 2.) Accordingly, this Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1331 (federal question) and the entire action may be removed pursuant to 28 U.S.C. § 1441(c).

7. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), the United States District Court for the Middle District of North Carolina is the appropriate court to which to remove this action from the General Court of Justice, Superior Court Division, Orange County, State of North Carolina, where the action was filed.

8. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the General Court of Justice, Superior Court Division, Orange County, State of North Carolina.

WHEREFORE, Defendant Duke University Press respectfully requests that this action be removed to this Court and that it be placed on the docket of this Court for all further proceedings.

Dated: March 12, 2024

Respectfully submitted,

/s/ Lauren G. Goetzl

Lauren G. Goetzl (NC Bar No. 55939)

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Counsel for Defendant

Duke University Press

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and served the Plaintiff via United States First Class Mail (postage prepaid) at the address below:

Leroy Titus Elliott
3 Wyrick Street
Chapel Hill, NC 27517

Pro Se Plaintiff

/s/ Lauren G. Goetzl

Lauren G. Goetzl

Attorney for Defendant

FISHER & PHILLIPS LLP